

ORIGINAL

KAYE SCHOLER LLP

The McPherson Building
901 Fifteenth Street, N.W.
Suite 1100
Washington, D.C. 20005-2327
202 682-3500
Fax 202 682-3580
www.kayescholer.com

EX PARTE OR LATE FILED

October 16, 2002

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554
ATTN: David Brown

RECEIVED

OCT 16 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Docket No. MB 02-235
Ex Parte Presentation, DA 02-2082

Dear Ms. Dortch:

On behalf of Spanish Broadcasting System, Inc. ("SBS"), there is transmitted herewith an original and one (1) copy of a memorandum summarizing an oral ex parte presentation made to Commissioner Michael J. Copps on October 15, 2002.

Should any questions arise with regard to this matter, kindly communicate directly with this office.

Very truly yours,

KAYE SCHOLER, LLP

By: 
Bruce A. Eisen

Enclosure

cc: Qualex International/Rm CY-B402
Commissioner Michael J. Copps
Alex Johns, Legal Assistant to Commissioner Copps

No. of Copies rec'd UT 1
List AEODE

ORIGINAL

EX PARTE MEMORANDUM (Docket No. MB 02-235)

On October 15, 2002, Spanish Broadcasting System, Inc. ("SBS") made an ex parte presentation to Commissioner Michael J. Copps, pursuant to the Commission's Public Notice in the above-referenced docket, released August 26, 2002. The following represents those persons to whom the presentation was made:

Commissioner Michael J. Copps
Alex Johns, Legal Assistant to Commissioner Copps

The presentation demonstrated the way in which Clear Channel Communications, Inc. ("CCC") had misrepresented facts to the Commission and conspired to control United States Hispanic radio in violation of the Commission's ownership limits and the anti-trust laws. Raul Alarcon, Jr., President and Chief Executive Officer of SBS, made the presentation. SBS showed that the proposed transfer of control, which would result in the merger of Hispanic Broadcasting Corporation ("HBC") and Univision Communications, Inc. ("Univision"), would not comply with the public interest. The presentation addressed CCC's meaningful business relationship with HBC which has produced legal and anti-competitive actions, and which has impaired SBS's and other's ability to effectively compete in the market place. The presentation demonstrated that HBC and CCC have attempted to circumvent the Commission's ownership limits through CCC's ownership interest in HBC.

The wrongful activity also extends to Univision and Entravision Communications Corporation, which is affiliated with Univision, and in which Univision maintains what should be considered to be an attributable ownership interest. Thus, the Commission has been presented with another transaction fraught with the same willful violations of which CCC and HBC are guilty.

The public interest deserves better protection from government regulators because the relationship among the parties to the merger are not what they appear to be on the surface. Commission approval of the transaction will result in the elimination of competitive voices in the market place and the reduction of minority ownership in media.